

- (1) The Recommendation (Doc. # 36) is ADOPTED;
- (2) Defendant David Sewell's motion to dismiss the amended complaint (Doc. # 30) is GRANTED;
- (3) Plaintiff's action against Defendant David Sewell is DISMISSED without prejudice;
- (4) Defendant David Sewell's motion to dismiss the originating complaint (Doc. # 22) is DENIED as moot.

This action is referred back to the Magistrate Judge for further proceedings as to the other Defendants.

DONE this 5th day of April, 2018.

/s/ W. Keith Watkins
CHIEF UNITED STATES DISTRICT JUDGE